IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH

S.B. CRIMINAL MISC. PETITION NO.1034/05

Jaluram Meena **Versus** State & Ors.

DATE OF ORDER :: 12/12/2007

HON'BLE MR. JUSTICE AJAY RASTOGI

Mr. Vijay Kumar Sharma, for petitioner
Mr. Arun Sharma, Public Prosecutor for State

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Instant petition has been filed by complainant-petitioner assailing order dated 1st March, 2005 whereby learned trial Judge while accepting negative Final Report, rejected the protest petition filed by him under order impugned.

On a written report submitted by petitioner in November, 2002 in which it was alleged that his legally wedded wife has been abducted by accused persons on which FIR was registered for offence u/ss.366 & 120B IPC. During investigation statement of prosecutrix Smt. Lali Devi was recorded u/s.164 Cr.P.C. in which she has specifically deposed that for sufficient long time she was living separately with the complainant and they belong to Meena community, but as per customs she has taken divorce on 15/4/02 and thereafter, she got married to one Narsi Meena with whom she is residing peacefully and has not been abducted by Narsi Meena or

persons who are named by complainant. After taking note of her statement recorded u/s.164 Cr.P.C. and investigation made, the Investigating Officer finally submitted a negative Final Report. At this stage, petitioner submitted protest petition and almost same narration of fact was reiterated that she is her legally wedded wife abducted by accused persons and proper investigation has not been made. He further alleged in protest petition that her statement has been recorded under duress. Learned trial Judge after taking into consideration the negative FR and particularly, statement of prosecutrix Smt. Lali Devi which was recorded u/s.164 Cr.P.C. accepted the negative FR and rejected the protest petition filed by petitioner.

This court has gone through the order impugned and does not find any infirmity which may call for interference. Even otherwise, from the statement of prosecutrix recorded u/s.164 Cr.P.C. itself no prima facie offence of Section 366 IPC is made out.

Consequently, the misc. petition fails and is hereby dismissed.

[AJAY RASTOGI],J.